R E M A R K S

Reconsideration of this application is respectfully requested.

According to the present invention as recited in independent claim 1, a crawler frame for a construction machine is provided which comprises: a center frame; and right and left track frames disposed on right and left sides of the center frame, respectively, so as to extend in a back and forth direction of the crawler frame. As recited in independent claim 1, moreover, the center frame comprises a central frame section and cast steel legs for connecting the central frame section to the track frames. And as recited in independent claim 1, top faces of the cast steel legs are convex in cross-section, and the top faces face upward away from a surface on which the construction machine is supported.

The Examiner asserts that claims 1-8 are obvious in view of the combination of USP 4,231,699 ("Thompson") and USP 4,069,637 ("Braithewaite"). This rejection, however, is respectfully traversed.

The Examiner contends that Thompson discloses legs for connecting a central frame section to track frames, wherein the legs are cast steel. It is respectfully pointed out, however, that Thompson explicitly discloses that the legs are formed from steel **plates**. And it is respectfully pointed out that it is

clear even from the disclosure in Thompson that cast steel is not considered to be the same as steel plates.

More specifically, Thompson clearly discloses that cast steel and plate steel are considered to be different, even in the portion of Thompson cited by the Examiner. For example, Thompson discloses at column 4, lines 26-30:

> Annular corner castings 63 consists of a plurality of arcuate cast segments welded together in end-to-end relation. Bottom wall 51, circular rib 53 and upper wall 64 are formed of arcuate steel plate segments welded together and to the center journal housing (emphasis added).

Thus, Thompson specifically discloses that certain portions of the structure thereof are formed from cast steel and that other portions of the structure thereof are formed from plate steel. Accordingly, even the disclosure of Thompson cited by the Examiner implicitly recognizes that cast steel is not the same as plate steel.

Moreover, Thompson discloses that leg sections 45-48 thereof are formed from plate steel. For example, Thompson discloses that bottom 65, top 68 and sides 66 and 67 of leg section 46 "are of steel plate construction" (column 4, lines 57-58), and that "such plates are welded together and to" the central structure of, namely the lower frame section 44 shown in Figs. 2 and 3 (e.g., to portions of elements 51, 53, 63), to form leg 46 (column 4, lines 58-61).

Thus, Thompson discloses that leg section 46 (and the other leg sections 45, 47 and 48 - see column 4, lines 33-34) is formed using plates of steel. In addition, Thompson recognizes that steel plates are different from cast steel, even in the portion of Thompson cited by the Examiner, as pointed out above.

Accordingly, it is respectfully submitted that Thompson clearly does not disclose, teach or suggest a center frame comprising a central frame section and cast steel legs for connecting the central frame section to the track frames, as according to the present invention as recited in independent claim 1.

The Examiner acknowledges, moreover, that Thompson does not disclose top faces of cast steel legs that are convex in cross-section, wherein the top faces face upward away from a surface on which the construction machine is supported. For this reason, the Examiner has cited Braithwaite to supply the missing teachings of Thompson.

It is respectfully pointed out, however, that Braithwaite discloses constructing a boom with a tubular design so as to better withstand torsional loads "such as resulting from side loadings on the stick and bucket" (column 2, lines 57-59). And it is respectfully submitted that this reason for forming a tubular boom according to Braithwaite, which is based on the problems when a boom is used for demolition work in knocking down

buildings (column 2, lines 20-32), is clearly not a logical reason to apply the tubular structure of the boom of Braithwaite to the structure of the legs of Thompson.

It is respectfully pointed out, moreover, that Braithwaite also recognizes that cast steel is not the same as plate steel. See column 3 of Braithwaite, which discloses that certain members, such as member 46 is cast, while the inner end of the boom 48 and the outer end 50 are constructed from steel plates.

Thus, both Thompson and Braithwaite recognize that cast steel is not the same as plate steel. And in this connection, it is noted that the differences between sheet and cast steel were explained in detail in the Amendment filed on July 18, 2006.

In summary, it is respectfully submitted that both the primary and secondary prior art references cited by the Examiner recognize that plate steel is not the same as cast steel (which has been explained in detail in the Amendment filed on July 18, 2006), and it is respectfully submitted that Thompson discloses using steel plates to form leg sections of a crawler frame. In addition, although Braithwaite discloses a tubular member, Braithwaite actually discloses making a boom tubular to solve problems related to use of a boom, and does not suggest that the structure thereof is applicable to legs in a crawler frame.

Accordingly, it is respectfully submitted that Thompson and Braithwaite, even if taken in combination, clearly do not

disclose, teach or suggest the structure of the present invention as recited in independent claim 1 whereby the center frame comprises a central frame section and cast steel legs for connecting the central frame section to the track frames, and whereby top faces of the cast steel legs are convex in cross-section, and the top faces face upward away from a surface on which the construction machine is supported.

In view of the foregoing, it is respectfully submitted that independent claim 1 and dependent claims 2-8 clearly patentably distinguish over the combination of Thompson and Braithwaite under 35 USC 103.

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Allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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